IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

OP.No. 15118 of 2002(Y)

PETITIONER:

ARUNAN M.S., MADARAKKAL HOUSE,
NJARAKKAL P.O., COCHIN.

BY ADV. SRI.GEORGE C.VARGHESE

RESPONDENTS:
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1. THE DEPUTY TAHSILDAR (RR) TALUK OFFICE,
COCHIN.

2. WELFARE OFFICE, MOTOR THOZHILALI
KSHEMANIDHI OFFICE,PALARIVATTOM,KOCHI.

3. CHANDY, S/O.AUGUSTINE,VATTATHARA,
KUZHUPPILLY VILLAGE.

4. THYAGARAJAN, ANUSHALAYAM,
MANMANI P.O., NORTH PARAVOOR.

5. THOMAS AUGUSTINE, KULANGARA VEEDU,
KUZHUPPILLI,AYYAMPPILLY.

R3&5 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
R2 BY ADV. SRI.P.RAMAKRISHNAN, SC
R1 BY G.P. SMT.SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.25518/2002 IN O.P. NO.15118/2002

DISMISSED:

6.12.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE AGREEMENT EXECUTED DETAILING THE CONDITIONS OF TRANSFER OF THE VEHICLE DT.20.7.1984.

P2: TRUE COPY OF DEMAND NOTICE DT.25.4.2002.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.15118 of 2002

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Dated this the 6th day of December, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears of Motor Transport Workers Welfare Fund due for the years 1991-1994. Even though petitioner has put up a case that the vehicle was sold to 3rd respondent who in turn sold to 4th respondent, counsel appearing for the said respondents submitted that those respondents were only employees of the petitioner and petitioner's case is absolutely wrong. In the circumstances, I do not find any bonafides in the allegations made by the petitioner. Moreover, Standing Counsel for second respondent submitted that petitioner has engaged ten workers, 5 each at a time and demand is made for such workers. If five employees were there to operate a stage carriage at a time, the same goes to show that petitioner was operating a busy route. In the circumstances, there is no justification to interfere with the amount demanded also. The O.P. is therefore dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms